

19.105 SICK/INJURED WITH PAY AND SPECIAL LEAVES

References:

Procedure 12.830 - Donated Time
 Procedure 19.107 - Family Medical Leave Act
 Procedure 19.130 - Limited Duty Personnel
 Procedure 19.140 – Outside Employment
 Fraternal Order of Police/City Labor Agreement
 American Federation of State, County and Municipal Employees (AFSCME)/City Labor Agreement
 City of Cincinnati Human Resources Policies and Procedure
 Training Bulletin #142

Definitions:

Bloodborne contaminant - any blood, any body fluid (semen, saliva, vaginal fluids, etc.) which visibly contain blood, or any body fluid in which it is difficult or impossible to tell if it contains blood.

Active exposure - an exposure to an active bloodborne infectious disease specifically to the eye, mouth, interior of the nose, intact/non-intact skin, or other mucous membrane, from blood or other potentially infectious materials.

Original documents – photographs, MVR/DVR tapes, and any documents that are handwritten or contain an original signature.

Passive exposure - an exposure to an airborne or bloodborne life-threatening infectious disease, generally considered to be viral hepatitis or human immunodeficiency virus (HIV), but not to an area classified as an active exposure. Mere presence at a scene or contact with a body or other body fluid is not necessarily an exposure. Even contact with blood or other body fluids is not necessarily an exposure; the contact must be within the categories outlined in the Information Section.

Methods of bloodborne infectious disease exposure:

- A puncture, laceration, or abrasion of the skin.
- A splash or spitting into the eye, mouth, or interior of the nose.
- Contact with broken skin including rashes, chapped skin, open wounds, or healing wounds with scabs.
- A human bite.
- Contact with intact skin in excess of three minutes.

Purpose:

Provide Employee Health Service (EHS) with each employee's health history, enhancing their ability to provide the employee with proper medical care.

Ensure necessary documentation of sickness and injury cases.

Establish a uniform Department procedure for recording and reporting personnel injured or exposed to infectious disease in the line of duty.

Establish guidelines for requesting a special leave of absence.

Policy:

City primary care physicians may examine and diagnosis Department employees when EHS is closed. Employees must follow all medical directives concerning duty status established by the treating physician.

Sick With Pay (SWP) should not be approved unless the employee has properly reported and justified the absence.

Medical information is considered confidential and will not be discussed with anyone who does not have a legitimate need for the information. This includes the reason an individual calls off sick, injured, or FMLA related status.

Officers may not work a police-related detail while on light duty, in an off-duty injured with pay status, in **any** off-duty sick status, or off-duty due to any Family Medical Leave Act (FMLA) approved time.

Officers must physically report for work after being off duty while injured, sick, or taking FMLA approved time before working a police-related detail.

Officers who call their workplace and report themselves ready for duty are not eligible to work an outside employment extension of police service detail prior to reporting for their next scheduled tour of duty.

Information:

Injured With Pay (IWP) benefits may be initially approved for payment by the EHS Physician or by the Police Department, subject to final recommendation and approval by the EHS Physician.

District/section/unit commanders will approve or disapprove Sick With Pay (SWP) benefits.

Personnel Section may request the EHS Physician's opinion in considering the decision to approve or disapprove SWP benefits.

Department employees may also refer to the Human Resources Policies and Procedures, Chapter III - Employees Benefits, for additional information.

Disagreements with the determination of IWP, SWP, or FMLA status are handled according to current City/Department policy and procedure and/or current union contract stipulations.

The Form 91SP, Supervisory Investigation of Employee Injury, and checklist for completion is available on the Intranet.

Procedure:

- A. Responsibilities of Department Employees Unable to Appear for Duty Due to Sickness or Injury
 - 1. As soon as possible before the start of the next tour of duty, notify a supervisor from the assigned unit (Refer to Procedure 19.107 for leaves falling under the provisions of the Family Medical Leave Act).
 - a. Provide the supervisor with:
 - 1) The specific nature of the illness or injury.
 - 2) How long you expect to be off duty.
 - 3) Whether you called or will call a physician or dentist.
 - 4) The telephone number where you can be reached.
 - 5) Notice of court appearances, off-duty details, meetings, public appearances and training dates that may need to be rescheduled.
 - b. Contact EHS when directed by a supervisor.
 - c. Comply with any request from the Police Department or the EHS physician to respond to the EHS.
 - d. EHS will provide Personnel Section with the original Form 96 and a copy to the affected officer following the medical examination. The Form 96 will list any duty restrictions determined by the EHS Physician. EHS will contact the affected officer's unit of assignment with any change in duty status.
 - 1) Personnel Section will compare the employee's duties to the Classification of Physical Demands of Work listed on the reverse side of the form, complete the bottom portion of the form, and fax a completed copy to EHS within 24 hours.
 - 2. When the condition improves allowing a return to duty, notify a unit supervisor as soon as possible.
 - 3. If EHS approval is required, a sick or injured employee may not return to duty without approval.
 - 4. Civilian employees are also be governed by current City/union contracts or Human Resources Policies and Procedures.

B. Supervisory Duties When an Employee is Unable to Appear for Duty

1. Upon receiving a call that an employee is sick or injured:
 - a. Document the information provided by the employee on a Form 25S, Application for Leave of Absence, or a Form 91SP, Supervisory Investigation of Employee Injury, as appropriate.
 - 1) In the "Reason" section of the Form 25S, explain in detail why the person is off sick or injured.
 - 2) On the Form 25S, indicate your recommendation to the district/section/unit commander to approve or disapprove use of SWP or IWP.
 - a) Recommend the approval of SWP when the employee has properly reported and justified the request.
 - 3) Forward the form through the chain of command to the district/section/unit commander.
 - b. Record that the employee called off sick or injured in the unit blotter.
 - c. Ensure Personnel Section is notified when an employee is admitted to a hospital as result of an on or off-duty injury or illness.
 - 1) If after normal business hours or on weekends, the information can be left on Personnel Section's voice mailbox system.
2. When an employee calls in sick and a supervisor has reason to believe the employee is improperly using sick time, or if a physician's or dentist's verification is necessary per the American Federation of State, County, and Municipal Employees (AFSCME) contract, the supervisor will:
 - a. Direct the employee to produce a physician's or dentist's statement within three working days justifying the absence.
 - 1) Employees failing to bring in a physician's or dentist's statement may be subject to disciplinary action and should be carried in a Leave Without Pay (LWOP) status.
 - b. Prepare a Form 25S
 - 1) Check the "Medical certificate requested" block.
 - 2) Enter the reason for requiring the physician's or dentist's statement.

- 3) Route the form through the chain of command to the district/section/unit commander.
3. When an off-duty employee calls off with an on-duty injury or a recurrence of an on-duty injury:
 - a. Complete Form 91SP.
 - 1) Include the date of the original injury and date of recurrence (if applicable), a brief description of the original injury, and a thorough description of the current problem.
 - a) Mark "recurrence" at the top of the Form 91SP, if applicable.
 - b. Carry sworn employees as IWP in the time book unless IWP benefits were denied by EHS.
 - c. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of the injury, unless they are hospitalized for one or more days as a result of the on-the-job injury.
 - 1) Non-sworn employees will not be carried IWP until a final decision is made by EHS Physician, except as outlined in B.3.c.
 - a) In those cases, the employee must identify the type of leave to be initially used, i.e., vacation, comp., SWP.
 - 2) If IWP is approved by the Risk Management Office, the payroll reports and time book will be adjusted to reflect prior balances.
 - d. Direct the employee to contact EHS as soon as possible but no later than the end of the next business day and note this on the Form 91SP.
 - e. Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - 1) When work-flowing the 91SP, "Add Notification" to Personnel Section.
- C. Duties of District/Section/Unit Commander When an Employee is Unable to Appear for Duty Due to Illness or Injury
 1. Upon receipt of Form 25S for SWP benefits:
 - a. Review and sign indicating approval or disapproval of the use of SWP benefits.

- b. Forward the original daily to Personnel Section via the chain of command.
 - c. Maintain a copy in the district/section/unit tickler file.
 - 1) When an employee returns to duty, note the date of return on the unit copy. Send a copy to Personnel Section and transfer the unit copy to the employee's unit Medical Jacket.
 - 2. Upon receipt of a Form 91SP for IWP benefits:
 - a. Review and initial.
 - b. Notify Personnel Section as soon as possible of the illness/injury and date in cases of:
 - 1) On-duty injury or a recurrence of an on-duty injury.
 - 2) A hospitalized employee.
 - 3) Exposure to an infectious disease.
 - c. Make a blotter entry, when appropriate, indicating Personnel Section was notified.
 - d. Work-flow the Form 91SP directly to Personnel Section.
 - 3. Inform the bureau commander of cases involving serious injury, illness, or extended illness.
- D. Sickness While on Duty
- 1. An employee becoming ill on duty will report the illness to a supervisor. The supervisor will assist or make arrangements to transport the employee home, to EHS, to a private physician, or a hospital, as conditions determine. The supervisor will prepare a Form 25S as outlined in Section B.1.a.
 - 2. Employees becoming ill while on duty are carried on the Payroll Attendance Report (PAR) and time book as sick for the portion of the day they are absent from their regular tour of duty. Record the off-duty sick time in 15 minute increments.
- E. Personnel Injured on Duty
- 1. Personnel injured on duty will be provided with an employee injury packet to be completed at the initial care facility.
 - a. A packet is not required when treatment is received from EHS.
 - 2. Investigating supervisors will review the treating physician's medical evaluations prior to granting an employee IWP.

3. When a Department employee is injured on duty, a supervisor will:
 - a. Scan and attach the following documents to the appropriate ETS case folder:
 - 1) Bureau of Worker's Compensation form.
 - 2) Applicable release form, i.e., Employee Health Service, hospital, or individual doctor.
 - b. Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander. When work-flowing the 91SP, "Add Notification" to Personnel Section.
 - c. Print a copy of the Form 91SP from ETS and **fax** the copy to:
 - 1) City's current insurance provider.
 - 2) Risk Management Office.
 - 3) Employee Health Service.
 - d. Advise the employee to contact EHS as soon as possible.
 - 1) An employee unable to respond to EHS at the time of injury must notify EHS on the next EHS business day.
 - 2) If an employee is unable to respond or contact EHS due to the seriousness of the injury, Personnel Section will notify EHS of the employee's injury and status.
 - e. Carry sworn employees as IWP for the disability period subject to final recommendation and approval by EHS.
 - 1) The day of the injury is considered a working day. Do not charge to IWP.
 - f. Carry Division 1 employees SWP per union contract and Human Resources Policies and Procedures for the first 40 hours of their disability period, excluding the day of injury, unless they are hospitalized for one day or more.
 - 1) The day of the injury is considered a working day. Do not charge to SWP or IWP.
 - g. Carry other full-time non-sworn employees as mandated by Human Resources Policies and Procedures.
 - h. Complete Form 91SP even if the employee refuses treatment for a non-visible injury.

F. On-duty Exposure to Life-Threatening Infectious Diseases

1. Life-threatening infectious diseases are generally considered to be viral hepatitis (HAV, HBV, HCV) and human immunodeficiency virus (HIV), which are bloodborne, and tuberculosis (TB), which is airborne.
 - a. Assume all contaminants are infectious. If the source is not clearly known not to be infected, treat as if infected.
 - b. If an employee has contact with a known source of an infectious disease as listed in Section F.1. but not an exposure as listed in "Definitions" section, the employee's supervisor should complete a Form 91SP for a "passive exposure".
 - 1) The employee receives a copy of the Form 91SP.
 - 2) A Form 91SP for a "passive exposure" does not generate a Workers' Compensation number.
2. Treatment
 - a. All exposures:
 - 1) Immediately wash the affected area thoroughly with the antiseptic gel and/or soap with hot water.
 - 2) Rinse eyes, mouth, and the interior of the nose thoroughly with plenty of warm water. Expel the water.
 - b. Passive exposures:
 - 1) Do not go to a hospital or other medical care facility for testing or treatment solely for a suspected exposure.
 - a) Medical costs of testing for infectious diseases are not covered by Workers' Compensation. EHS will provide all necessary testing and associated treatment without cost. Should you choose to seek private testing you will be personally responsible for the associated costs.
 - c. Active exposures:
 - 1) If an active exposure or a suspected active exposure exists, respond to University Hospital for testing and treatment.
 - a) Follow-up treatment is handled by EHS.
3. Employee responsibilities:
 - a. Immediately report the incident to a supervisor.

- b. Indicate on the Form 527, Arrest and Investigation Report, "Arresting employee exposed to blood/body fluids - court ordered test required".
 - c. Call EHS and speak with a nurse or a doctor, not just the receptionist. If EHS is closed, contact them as soon as the office opens for regular hours. Holidays and weekends will not adversely affect treatment. EHS will determine if there is a possible exposure and if an office visit is needed.
- 4. Supervisor responsibilities:
 - a. Request the subject submit to a test for infectious diseases if a suspected exposure occurs. This should be done at University Hospital. Get a signed medical release from the subject so the hospital will release the test results to EHS or the Police Department.
 - 1) Notify EHS of a refusal.
 - 2) If for any reason a test is not performed on the subject at the hospital:
 - a) Notify a Hamilton County Justice Center (HCJC) intake supervisor of the exposure and the need for a court ordered blood test.
 - 1] HCJC personnel will obtain the necessary court order on behalf of the Police Department. The arrested will be held until the necessary test can be administered.
 - a] HCJC will notify EHS of the test results, who will in turn notify the member.
 - b. Complete the Form 91SP.
 - 1) Work-flow the completed Form 91SP through the chain of command to the district/section/unit commander.
 - a) When work-flowing the 91SP, "Add Notification" to Personnel Section.
 - 2) Fax a copy to Employee Health Service.
 - a) Scan the medical release into the computer and attach to the the appropriate ETS case folder. Route the original medical release through channels.
 - c. The unit supervisor will contact EHS to be sure the affected employee has notified EHS of the possible exposure and is following the directives of EHS. Notify EHS where and when the subject was tested for infectious diseases, and whether there is a medical release.

5. Personnel Section, when notified by EHS of known exposures involving deceased individuals, will notify the affected employee's district/section/unit commander. Employees will follow the protocol as outlined above.
 - a. Personnel Section will be available to answer questions related to exposures.

G. Notification in Cases of Serious Illness or Injury

1. Each unit will maintain an updated Form 438, Personnel Index Card, for each employee.
 - a. The reverse side of the Form 438 contains the following information:
 - 1) Names, addresses, and phone numbers of individuals to be notified in case of an emergency.
 - 2) Name of clergy member if desired.
 - 3) Special instructions by the employee.
 - b. Changes to the Form 438 are the employee's responsibility.
2. The employee, if conscious, should make the decision whether any personal notifies are to be made.
 - a. If possible, the employee will personally make the call.
3. If the employee is unconscious or unable, a supervisor will contact person(s) the employee designated on the Form 438.
 - a. In-person notification will be made.
 - b. Provide transportation of the notified person(s), if needed.
 - c. Consider using a member of the Police Clergy Crisis Team or a Peer Support member to assist with the notification.
 - d. Notify Police Communications Section (PCS) by telephone of the following:
 - 1) Nature and extent of the injury or illness.
 - 2) Location or destination of the injured or ill employee.
 - 3) Whether the person(s) listed for emergency notification were able to be contacted.
 - e. PCS will make the appropriate notifications according to the Situational Occurrences Notification List.

H. Special Leaves

1. The Personnel Section Commander has authority to approve the following special leaves in compliance with City/Department policy and procedure and/or current union contract:
 - a. Sick Pay Family (SPF).
 - b. Sick Pay Death (SAD).
 - c. Sick Pay Maternity (SPM).
 - d. Military Training (MT).
 - e. Leave Without Pay (LWP).
 - 1) The Department will follow the current City guidelines as outlined in the Human Resources Policies and Procedures, Department procedures, and/or current union contract.
2. Employees requesting special leave will complete a Form 25S as soon as the need for the leave becomes known.
 - a. The original is routed through the chain of command to Personnel Section.
 - b. The employee's unit of assignment retains a copy in the employee's Medical Jacket.
 - c. The time book and PAR will reflect the time granted.

I. Responsibilities of Personnel Section

1. Serve as the Department liaison with EHS.
2. Maintain an annual file of Forms 25S pertaining to sick leave.
3. Maintain a list of personnel confined to a hospital.
 - a. Notify the Police Chief's Office and the Fraternal Order of Police (FOP) of those employees admitted to a hospital.
4. Advise EHS of:
 - a. Hospitalized employees.
 - b. Employees exposed to an infectious disease.
 - c. Other serious or unusual cases of sick or injured employees.
5. Send a copy of the sick and injured leave report to EHS weekly containing the information of personnel currently carried as IWP, light duty, and on extended sick leave.

6. Under special circumstances, and when advised by EHS, notify an employee's unit of assignment of an employee's current duty status. Under normal circumstances, EHS notifies the employee's unit of assignment of duty status and gives the employee a copy of the Form 96 to give to the employee's supervisor.
 7. Receive copies of Forms 25S for special leaves.
 8. Receive and process Form 91SP via ETS for personnel injured on duty.
 - a. Place copies of the Form 91SP in the employee's Medical Jacket.
 - b. Complete a Form 74S, Injured with Pay Recommendation, on all approved IWP leaves.
 9. Finalize the case in ETS.
- J. Tracking Personnel on Extended Sick or IWP Leave, or on Extended Light Duty
1. The district/section/unit commander, who has an employee in an off-duty sick status for seven or more consecutive days (counting off days), or in an extended IWP or light duty status will call or email Personnel Section on Monday between 0800 and 1200 hours and provide the employee's name and the nature of the illness or injury.
 2. Personnel Section will provide the Police Chief with a list of Department employees on extended sick or IWP leave, or on extended light duty. Personnel Section will update the list weekly.
 3. Personnel Section will function as the liaison with EHS to ensure EHS is aware of employees who are on extended sick or IWP leave, or on extended light duty in the event further medical evaluation is in order.